

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AVALON HOLDINGS CORP.,	*	
Plaintiff/ Judgment Creditor,	*	
v.	*	No. 18-cv-7291 (DLC) (RJL) (ECF Case)

NOTICE OF MOTION

GUY GENTILE and MINTBROKER	*
INTERNATIONAL, LTD.,	*
Defendants/ Judgment Debtors.	*

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law dated June 18, 2024 , Petitioner Joseph L. Ely III will move this Court before the Honorable Denise L. Cote, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined, for an Order quashing Plaintiff/Judgment Creditor Avalon Holdings Corp.'s subpoena seeking the deposition testimony of the Joseph L. Ely III and further seeking related documents, pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure.

Joseph L. Ely III further seeks a Protective Order under Federal Rules of Civil Procedure 26(c), precluding the deposition of Joseph L Ely III on the grounds that Joseph L. Ely III has no relevant information and Plaintiff/Judgment Creditor cannot demonstrate that the information cannot be obtained from another source that is more convenient and less burdensome. Petitioner also requests that the Court impose sanctions upon Plaintiff/Judgment Creditor Avalon Holdings Corp. for its violation of Fed.R.Civ.P. 45(d)(1).

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1, Plaintiff/Judgment Creditor's response, if any, is due no later than June 25, 2024, Joseph L. Ely III's reply, if any, is due no later than June 27, 2024.

Dated: June 18, 2024
New York, New York

BARITZ & COLMAN LLP

By: /s/ David Richan
David S. Richan, Esq.
The Woolworth Building
233 Broadway, Suite 2020
New York, New York 10279
Tel: 212-886-1693
Fax: 212-886-1694
Attorneys for Joseph L. Ely III